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Attorneys for Defendant
REVERE SUPPLY, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

COAST MARINE & INDUSTRIAL
SUPPLY, INC., a California Corporation;
and OCEANS WEST MARINE SUPPLY,
INC., a California Corporation,

Plaintiffs,

v.

REVERE SUPPLY, INC., a Florida
Corporation; RFD BEAUFORT, LTD., a
United Kingdom Company; and RFD
BEAUFORT, INC., an Ohio Corporation,,

Defendants.

CASE NO. C-05-0571 SC

**STIPULATION AND ~~PROPOSED~~
ORDER FOR CONTINUANCE OF CASE
MANAGEMENT CONFERENCE AND
HEARING ON RULE 12(B)(6) MOTIONS**

Plaintiffs Coast Marine & Industrial Supply, Inc. and Oceans West Marine & Industrial Supply, Inc. (collectively "Plaintiffs") and Defendants Revere Supply, Inc., RFD Beaufort, Ltd., and RFD Beaufort, Inc., through their respective counsel, hereby stipulate and request continuance of the hearing of Defendants' Rule 12(b)(6) motions to dismiss from October 14, 2005 to October 28, 2005, and for continuance of the initial case management conference from September 23, 2005 to November 18, 2005.

The reason for the requested continuances is that the parties have been engaged in significant and substantive settlement negotiations that could obviate the need for further proceedings in this matter. The requested continuances would allow the parties to attempt to


1 reach and finalize an agreement while avoiding unnecessary expenditure of resources by the
2 parties and the Court.

3 There has been no prior extension or change in time of hearing on Defendants' currently
4 pending Rule 12(b)(6) motions to dismiss. The initial case management conference was
5 previously continued to September 23, 2005 by stipulation of the parties.

6 WHEREFORE, the Plaintiffs and Defendants respectfully stipulate and request that the
7 time for hearing of Defendants' motions to dismiss and the initial case management conference
8 be continued as set forth above.

9
10 Dated: September 13, 2005

HENNEFER & WOOD

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13 JAMES A. HENNEFER
14 Attorneys for Plaintiffs
COAST MARINE & INDUSTRIAL SUPPLY,
INC., and OCEANS WEST MARINE
SUPPLY, INC.

15 Dated: September _____, 2005

DLA PIPER RUDNICK GRAY CARY US LLP

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17 By _____

18 JOHN R. HURLEY
19 Attorneys for Defendant
REVERE SUPPLY, INC.

20 Dated: September _____, 2005

FULBRIGHT & JAWORSKI L.L.P.

21
22 By _____

23 PETER H. MASON
24 Attorneys for Defendant
RFD BEAUFORT, LTD. and RFD
25 BEAUFORT, INC.

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STIPULATION AND PROPOSED ORDER FOR CONTINUANCE

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Attorneys for Plaintiffs
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Attorneys for Defendant
REVERE SUPPLY, INC.

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PETER H. MASON
Attorneys for Defendant
RFD BEAUFORT, LTD. and RFD
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By _____

JAMES A. HENNEFER
Attorneys for Plaintiffs
COAST MARINE & INDUSTRIAL SUPPLY,
INC., and OCEANS WEST MARINE
SUPPLY, INC.

Dated: September _____, 2005

DLA PIPER RUDNICK GRAY CARY US LLP


By _____

JOHN R. HURLEY
Attorneys for Defendant
REVERE SUPPLY, INC.

Dated: September 13, 2005

FULBRIGHT & JAWORSKI L.L.P.

By _____


PETER H. MASON
Attorneys for Defendant
RFD BEAUFORT, LTD. and RFD
BEAUFORT, INC.

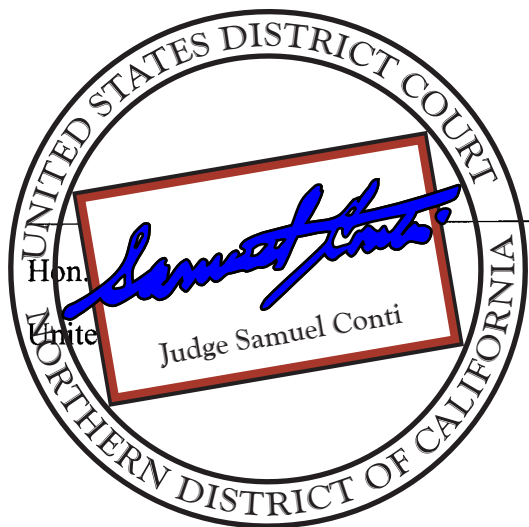
~~proposed~~ ORDER

Based on the stipulation of the parties and good cause shown:

1. The hearing on Defendants' pending Rule 12(b)(6) motions to dismiss, currently set for October 14, 2005, is continued to October 28, 2005, at 10:00 a.m.
2. The initial case management conference in this matter, currently set for September 23, 2005, is continued to November 18, 2005, at 10:00 a.m. The parties shall file one joint case management conference statement no later than seven calendar days prior to the conference.

IT IS SO ORDERED.

September 14, 2005



PROOF OF SERVICE

I am a resident of the state of California, over the age of eighteen years, and not a party to the within action. My business address is DLA Piper Rudnick Gray Cary US LLP, 153 Townsend Street, 8th Floor, San Francisco, CA 94107. On September 13, 2005, I served the within documents:

**STIPULATION AND [PROPOSED] ORDER FOR CONTINUANCE OF CASE
MANAGEMENT CONFERENCE AND HEARING ON RULE 12(B)6 MOTIONS**

- ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as set forth below. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- ☐ by causing to be personally delivered the document(s) listed above to the person(s) at the address(es) set forth below.

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RFD Beaufort, Inc.

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1 I declare that I am employed in the office of a member of the Bar of or permitted to practice before
2 this Court at whose direction the service was made.

3 Executed on September 13, 2005, at San Francisco, California.

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5 Shelley Marlowe
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